

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KEVIN PATRICK BRADY,

Plaintiff,

-v-

DAVID G. LARIMER, et al.,

Defendants.

DECISION AND ORDER
07-CV-6164CJS

Plaintiff Kevin Patrick Brady, proceeding *pro se*, has filed papers entitled "Response to Other Injurious Decision of Errors" in which plaintiff challenges this Court's April 24, 2007 Order dismissing this action (Docket No. 4), and sent papers to the Court via facsimile transmittal on May 7, 2007, which remain unfiled due to a lack of original signature.¹ Upon review of all of the papers, the Court considers plaintiff's papers to be a motion under Fed.R.Civ.P. 60(b). Rule 60 of the Federal Rules of Civil Procedure provides for relief from a final judgment, order, or proceeding when, for example, there has been a mistake, inadvertence, surprise, excusable neglect, or newly discovered evidence which by due diligence could not have been discovered in time.

In his motion, plaintiff again argues that the Court is incorrect in its assessment of both the law and the facts as plaintiff sees them. Nevertheless, the Court evaluated his claims when it issued the April 24, 2007 Order. Nothing in plaintiff's motion for reconsideration provides a basis for the Court to grant relief from the April 24, 2007 Order under Fed.R.Civ.P. 60(b). Plaintiff re-argues his claims, but does not demonstrate that


¹Plaintiff, although proceeding *pro se*, is an experienced litigator who has previously been advised that he cannot file papers with the Court by submitting them via electronic means.

there has been a mistake, inadvertence, surprise, excusable neglect, or newly discovered evidence which by due diligence could not have been discovered in time, nor does he show that his claim should be reopened in the interest of justice.

Accordingly, plaintiff's motion for reconsideration is hereby denied. Should plaintiff wish to further pursue this action, he may file a Notice of Appeal and seek leave to appeal to the U.S. Court of Appeals for the Second Circuit, in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Appellate Procedure.

SO ORDERED.

Dated: May 8, 2007
Rochester, New York



CHARLES J. SIRAGUSA
United States District Judge